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**TITLE 329 SOLID WASTE MANAGEMENT DIVISION**

**Proposed Rule**  
LSA Document #19-424

**DIGEST**

Amends [329 IAC 11-13.5-1](#) and [329 IAC 11-13.5-13](#) concerning reporting requirements at solid waste transfer stations. Repeals [329 IAC 11-13.5-17](#). Effective 30 days after filing with the Publisher.

**HISTORY**

Findings and Determination of the Commissioner Pursuant to [IC 13-14-9-7](#) and Second Notice of Comment Period: September 11, 2019, Indiana Register (DIN: [20190911-IR-329190424FDA](#)).

Notice of First Hearing: September 11, 2019, Indiana Register (DIN: [20190911-IR-329190424PHA](#)).

Change in Notice of Public Hearing: October 23, 2019, Indiana Register (DIN: [20191023-IR-329190424CHA](#)).

Date of First Hearing: January 8, 2020.

**PUBLIC COMMENTS UNDER [IC 13-14-9-4.5](#)**

[IC 13-14-9-4.5](#) states that a board may not adopt a rule under [IC 13-14-9](#) that is substantively different from the draft rule published under [IC 13-14-9-4](#), until the board has conducted a third comment period that is at least 21 days long. Because this proposed rule is not substantively different from the draft rule published on September 11, 2019, at DIN: [20190911-IR-329190424FDA](#), the Indiana Department of Environmental Management (IDEM) is not requesting additional comment on this proposed rule.

**SUMMARY/RESPONSE TO COMMENTS FROM THE SECOND COMMENT PERIOD**

IDEM requested public comment from September 11, 2019, through October 11, 2019, on IDEM's draft rule language. No comments were received during the second comment period.

**SUMMARY/RESPONSE TO COMMENTS RECEIVED AT THE FIRST PUBLIC HEARING**

On January 8, 2020, the Environmental Rules Board (board) conducted the first public hearing/board meeting concerning the development of amendments to [329 IAC 11-13.5](#). No comments were made at the first hearing.

**[329 IAC 11-13.5-1](#); [329 IAC 11-13.5-13](#); [329 IAC 11-13.5-17](#)**

SECTION 1. [329 IAC 11-13.5-1](#) IS AMENDED TO READ AS FOLLOWS:

**[329 IAC 11-13.5-1](#) Applicability**

**Authority:** [IC 13-14-8-7](#); [IC 13-15-2-1](#); [IC 13-19-3-1](#)

**Affected:** [IC 13-20-6](#); [IC 36-9-30](#)

Sec. 1. (a) Sections 2 through 9 of this rule apply to all solid waste processing facilities.

(b) In addition to subsection (a), ~~the following sections of this rule apply to all~~ transfer stations located in Indiana or that transfer solid waste from Indiana **must comply with sections 10 through 16 of this rule.**

~~(1) Sections 10 through 13 of this rule.~~

~~(2) Section 14(a) of this rule.~~

~~(3) Sections 15 through 17 of this rule.~~

~~(c) In addition to subsections (a) and (b), transfer stations in Indiana must adhere to section 14(b) of this rule.~~

*(Solid Waste Management Division; [329 IAC 11-13.5-1](#); filed Jun 28, 2010, 2:11 p.m.:*

*[20100728-IR-329060070FRA](#); readopted filed Jun 6, 2016, 11:52 a.m.: [20160706-IR-329160144BFA](#); errata filed Feb 19, 2018, 10:06 a.m.: [20180228-IR-329180109ACA](#))*

SECTION 2. [329 IAC 11-13.5-13](#) IS AMENDED TO READ AS FOLLOWS:

**[329 IAC 11-13.5-13](#) Monitoring and managing incoming waste for transfer stations**

Authority: [IC 13-14-8-7](#); [IC 13-15-2](#); [IC 13-19-3](#)

Affected: [IC 13-11-2](#); [IC 13-20-9](#); [IC 13-20-16](#); [IC 36-9-30](#)

Sec. 13. (a) Except as provided in subsection (b), a transfer station may accept all solid waste regulated by this article including the following:

- (1) MSW.
- (2) Construction/demolition waste.
- (3) Hazardous waste generated in compliance with [329 IAC 3.1-7](#) by a very small quantity generator.
- (4) Industrial process waste.
- (5) Pollution control waste in nonleaking containers.
- (6) Any solid waste authorized by the facility permit.

(b) A transfer station may not accept any of the following:

- (1) Solid waste that is prohibited by the facility permit.
- (2) Liquid waste, as defined in [329 IAC 10-2-106](#).
- (3) Hazardous waste, except hazardous waste generated in compliance with [329 IAC 3.1-7](#) by a very small quantity generator.
- (4) Infectious waste, except as provided in [410 IAC 1-3-26](#) and section 15 of this rule.
- (5) Whole waste tires, except as provided in section 16 of this rule.
- (6) Lead acid batteries prohibited by [IC 13-20-16](#).
- (7) Vegetative matter prohibited by [IC 13-20-9](#).
- (8) Waste or material containing PCB prohibited by [329 IAC 4.1](#).
- (9) RACM that is not managed in accordance with [326 IAC 14-10](#) and [329 IAC 10-8.2-4](#).
- (10) Any appliance or motor vehicle air conditioner containing a refrigerant or other class I or class II substance that has not been removed as required by 40 CFR 82.156\*. revised as of July 1, 2002.
- (11) Biosolid, as defined in [327 IAC 6.1-2-7](#), that is not managed in accordance with [327 IAC 6.1-1-7](#), unless the biosolid is:
  - (A) completely contained;
  - (B) in unopened containers; and
  - (C) not transferred to other containers or commingled with other wastes.
- (12) Wastewater, Septage, as defined in [327 IAC 7.1-2-41](#), [IC 13-11-2-199.2](#), that is not managed in accordance with [327 IAC 7.1-7-1](#), unless the septage is:
  - (A) completely contained;
  - (B) in an unopened container; and
  - (C) not transferred to other containers or commingled with other wastes.
- (13) More than two hundred twenty (220) pounds of pollution control waste in a shipment that is not enclosed in nonleaking containers.

(c) Incoming MSW solid waste described in subsection (a) must be monitored daily by a transfer station employees. The monitoring must be conducted by personnel employee, who are is able to recognize the visual indications of solid waste as listed in subsection (b) that may be present in the MSW-observed. solid waste described in subsection (a).

(d) The monitoring may be accomplished by either of the following methods:

- (1) Conducting, on a daily basis, a minimum of two (2) random inspections that must consist of a visual observation of all off-loaded MSW solid waste described in subsection (a) prior to processing.
- (2) An overview of the MSW solid waste described in subsection (a) on an ongoing basis by facility personnel. employees.

(e) Random inspections conducted under subsection (d)(1) must be recorded in a format established by the department.

(f) A facility conducting overview inspections under subsection (d)(2) of the incoming MSW under subsection (d)(2) solid waste described in subsection (a) must only record events in which solid waste as listed in subsection (b) is found. Records of the events must be in a format established by the department, and the waste must be managed in accordance with the applicable laws.

**(g) Inspection records must be maintained on site and available for review by the department for a**

period of one (1) year from the date of the inspection or event.

(h) The record must include all of the following:

- (1) The name of the facility.
- (2) The address of the facility.
- (3) The permit number of the facility.
- (4) The inspection date.
- (5) The name of the person conducting the inspection.
- (6) The type of waste found and how it was handled, including final disposition.
- (7) The name and address of the generator of waste found during an inspection, if known.

\*This document is incorporated by reference. Copies may be obtained from the Government Publishing Office, [www.gpo.gov](http://www.gpo.gov), or are available for review at the Indiana Department of Environmental Management, Office of Legal Counsel, Indiana Government Center North, 100 North Senate Avenue, Thirteenth Floor, Indianapolis, Indiana 46204.

(Solid Waste Management Division; [329 IAC 11-13.5-13](#); filed Jun 28, 2010, 2:11 p.m.: [20100728-IR-329060070FRA](#); readopted filed Jun 6, 2016, 11:52 a.m.: [20160706-IR-329160144BFA](#); filed Nov 26, 2019, 11:36 a.m.: [20191225-IR-329180481FRA](#))

SECTION 3. [329 IAC 11-13.5-17](#) IS REPEALED.

[Notice of Public Hearing](#)

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